

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY SP D.C.
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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TN. JACKSON

JEFFREY B. PULLEY AND LEIGH)
BRIDGES, individually, AND THE)
ESTATE OF JAMES ODIE PULLEY,)
by personal representative, LEIGH)
BRIDGES,)
Plaintiffs,)
v.) No. 05-1135-T-An
JOE SHEPARD, GIBSON COUNTY)
SHERIFF, CHUCK ARNOLD, CHIEF)
DEPUTY OF GIBSON COUNTY)
SHERIFF'S DEPARTMENT, KENNETH)
SIMS, DEPUTY OF GIBSON COUNTY)
SHERIFF'S DEPARTMENT, SHERRY)
SMITH, CHIEF JAILER OF GIBSON)
COUNTY SHERIFF'S DEPARTMENT,)
LARRY COMBS, DEPUTY OF GIBSON)
COUNTY SHERIFF'S DEPARTMENT,)
JOHN AND JANE DOE, GIBSON)
COUNTY SHERIFF'S DEPARTMENT,)
AND GIBSON COUNTY, TENNESSEE,)
Defendants.)

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS

The plaintiffs filed this action against Defendants Joe Shepard, Sheriff of Gibson County, Chuck Arnold, Chief Deputy of Gibson County Sheriff's Department, Kenneth

Sims, Deputy of Gibson County Sheriff's Department, Sherry Smith, Chief Jailer of Gibson County Sheriff's Department, Larry Combs, Deputy of Gibson County Sheriff's Department, John and Jane Doe, Gibson County Sheriff's Department, and Gibson County. Before the court is defendants' motion to dismiss all claims against the Gibson County Sheriff's Department. Plaintiff has not filed a response to defendants' motion to dismiss.

Defendant seeks dismissal of plaintiff's claims against the Gibson County Sheriff's Department because it is not a proper party to this suit. Both the Sixth Circuit and this court have held that police departments are not legal entities which may be sued. See Matthews v. Jones, 35 F.3d 1046, 1049 (6th Cir. 1994); Phebus v. City of Memphis, 340 F. Supp. 2d 874, 878 (W.D. Tenn. 2004). Therefore, the court GRANTS the motion to dismiss the Gibson County Sheriff's Department as a defendant.

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE


DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 1:05-CV-01135 was distributed by fax, mail, or direct printing on August 15, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT